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SEP 21 2010

In re Patent: 6,865,759
Inventor: Tony PEARCE
Application No. 09/932,393
Filed: August 17, 2001

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed February 26, 2010, that is seeking to expunge information identified in the instant petition, "from any and all of (a) the prosecution history, (b) the published patent application, and (c) the issued patent."

The petition to expunge is **DISMISSED**.

The material being sought to be expunged forms part of the original disclosure. A petition to expunge a part of the original disclosure must be filed under 37 CFR 1.183, since such a request requires a waiver of the requirements of 37 CFR 1.59(a). Petitions under 37 CFR 1.183 should be directed to the Office of Petitions. The petition must explain why justice requires waiver of the rules to permit the requested material to be expunged. *See Manual of Patent Examining Procedure (MPEP) § 724.05(IV)*. In seeking the expungement, petitioner states, "[h]owever, the undersigned has been requested by the OED to pursue removal of the material in order to bring the case into compliance with MPEP 608.01(r). Accordingly, the undersigned respectfully petitions the Office to expunge the identified material." The instant petition is not accompanied by a copy of the directive from OED.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. In this instance, the petition under 37 CFR 1.183 requires a fee under 37 CFR 1.17(f) that is currently \$400. The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.183". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

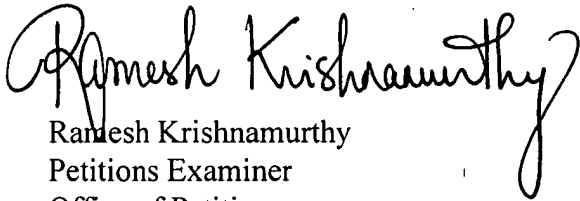
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By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272 - 4914.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

CC: Daniel McCarthy
2053 Pinetree Village
Brighton, Utah 84121